

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Neva Steffens,)	
)	
Plaintiff,)	Civil Action No. 6:07-1807-GRA-WMC
)	
vs.)	<u>REPORT OF MAGISTRATE JUDGE</u>
)	
American Express,)	
)	
Defendant.)	
_____)	

This matter is before the court on the plaintiff's "motion for relief and for settlement of damages." The plaintiff, who is proceeding *pro se*, alleges violations of the Fair Credit Reporting Act.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(A) and Local Civil Rule 73.02(B)(2)(e) D.S.C., all pretrial matters in cases involving *pro se* litigants are referred to a United States Magistrate Judge for consideration.

In her complaint, the plaintiff claims that in February 2002, American Express sent her account to a collections agency for nonpayment. The plaintiff refinanced her home and paid the amount in full. However, the defendant "put a charge-off report on [her] account." The plaintiff sent a letter to American Express disputing the charge-off on January 17, 2003. She also enclosed a check for the amount American Express claimed was due. The plaintiff noted in the letter that she wanted her credit report to reflect that she had paid all that was owed. According to the plaintiff, the defendant did not remove the charge-off from her credit report. The plaintiff had a credit report run on June 14, 2007, at which time she noticed that two different account numbers from American Express were listed. The plaintiff claims she never opened an additional account with the defendant. The account numbers differ by only one digit. The original account number was 00247557301253713, and the additional account

number on the credit report was 00247557301233713. The credit report shows that the accounts were opened the same date (May 1987) and closed the same date (February 2002). The additional account number shows high credit of \$244.00 and a balance of \$0.00. The plaintiff testified in her affidavit that she had only one American Express account. The plaintiff claims that she attempted to buy a house in 2004 and 2006 and was denied a mortgage because of too much debt. She also claims that she was denied refinancing twice in 2006 and 2007 on her current home because of her credit. The plaintiff seeks compensatory and punitive damages from the defendant.

On January 14, 2009, the Honorable G. Ross Anderson, Jr., United States District Judge, adopted this court's recommendation and denied the defendant's motion for summary judgment, which was based on statute of limitations grounds. On January 29, 2009, the plaintiff filed the instant motion requesting "stipulation for damages under the complaint in the amount of \$300,000.00 plus costs in the amount of \$250.00." As argued by the defendant, nothing in the record supports the relief requested by the plaintiff. Further, in its opposition, the defendant states that the plaintiff has filed for bankruptcy protection under Chapter 7 of the United States Bankruptcy Code. The defendant has reached an agreement with the Chapter 7 Bankruptcy Trustee to settle this action, as the plaintiff's claims against the defendant are now the property of her bankruptcy estate and subject to the control of the trustee. A Notice of Settlement and Opportunity for Hearing has been filed with the bankruptcy court, and the deadline for objections is March 9, 2009. If no objections are filed, the bankruptcy court will issue an order approving the settlement without a hearing. If an objection is filed, a hearing will be held on March 26, 2009, on whether to approve the settlement.

Based upon the foregoing, the plaintiff's motion should be denied.

IT IS SO ORDERED.

February 27, 2009
Greenville, South Carolina


WILLIAM M. CATOE
UNITED STATES MAGISTRATE JUDGE